

Issued February 4, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1875.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On June 3, 1912, the United States Attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 Daisy cheeses remaining unsold in the original unbroken packages and in possession of Edwin Warley, doing business under the firm name and style of Warley Fruit & Produce Co., Mobile, Ala., alleging that the product had been shipped on or about May 9 and 16, 1912, by the P. J. Schaefer Co., Marshfield, Wis., and transported from the State of Wisconsin into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Quality Brand P. J. Schaefer Company, Marshfield, Wis." and there was also marked on the side of each box certain figures indicating the weight thereof, the said weights ranging from 17 to 23 pounds in the different cheeses.

Misbranding was alleged in the libel for the reason that of the 40 boxes of cheese which were weighed, only one weighed as much as indicated by the marks on the containers, and the other 39 boxes showed a deficiency of from one-half to $1\frac{1}{2}$ pounds on each cheese, the total of the weights marked on the boxes amounting to 840 pounds while the total of the actual weights was 808 pounds, showing a deficiency of 32 pounds, or an average deficiency of 3.7 per cent for the 40 boxes of cheese.

On June 7, 1912, the said P. J. Schaefer Co., claimant, having paid all costs of the proceedings and having executed bond in the sum of \$250, in conformity with section 10 of the Act, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 28, 1912.*